



SUPERIOR COURT OF KITSAP COUNTY

JUVENILE AND FAMILY COURT SERVICES

1338 SW Old Clifton Rd
Port Orchard, WA 98367-9113
Phone: (360) 337-5401 | Fax: (360) 337-5402

February 27, 2019

Ms. Penny Allen

67461-51920323@requests.muckrock.com

Re: Request for Public Records

Dear Ms. Allen:

On February 20, 2019 I received your letter dated February 11, 2019. Mr. Stevenson was contacted about your request, per policy:

"Unless otherwise required or prohibited by law, the Superior Court or Juvenile Court public records officer will notify any person, other than a State or County government employee, who is specifically named in a records request or to whom a record specifically pertains."

On January 30, 2019 when I received your clarified request below:

"To clarify, I am seeking the following information for Kitsap County Juvenile department employees' Charles Stevenson and Saeed Saber:

**Date/s of hire*

**Job Description/s*

**Qualifications*

In cases where they were transferred or promoted within their time of employment, I would like those dates, job descriptions and qualifications as well.

If an exemption applies to all or part of a record, the exempt content can be withheld or deleted (redacted). Exemptions should be narrowly construed to promote the public policy of disclosure. Please disclose the existence of records withheld as exempt and state their exemptions."

Mr. Stevenson was not an employee of Juvenile Court.

Regarding why Mr. Stevenson is allowed to object, per policy:

"A person, other than a State or County employee, who is specifically named in a records request, or to whom a record specifically pertains, may present information opposing the disclosure to the Superior Court or Juvenile Court public records officer. The named person shall notify the applicable public records officer in writing of his or her objections within ten working days of the date of notification."

Mr. Stevenson notified me in writing within that time frame. Based upon his written opposition, my decision was to release the records in accordance to policy:

"Upon receipt, the applicable public records officer will have five working days from the date of the objections are filed in which to notify the requester and the person named in the records regarding his decision to disclose the specific records."

You and Mr. Stevenson were notified of my decision to release his documents despite his objections in an email dated February 7, 2019.

In that same email dated February 7, 2019 you and Mr. Stevenson received notification of the policy:

"If the applicable public records officer decides to allow access to requested records despite a named party's opposition, the person who is named in the records has a right to initiate the informal review process set forth above. (in the policy) If either the subject of the record or the record requester objects to informal review, then this process is unavailable as a remedy. The deadlines that apply to a requester apply as well to a person who is subject of a record request."

"A record requester's petition seeking internal review of a public records officer's decision must be submitted within 90 calendar days of the public records officer's decision."

As the deadline that apply to a requester apply as well to a person who is subject of a record request, Mr. Stevenson has 90 calendar days to submit his petition seeking an internal review of my decision to release his records.

Although your original request was made under the Washington Public Records Act, RCW 42.56 (hereinafter "PRA"), You received my response:

"While the PRA is a Washington State statute, it does not apply to the judiciary, including the Kitsap County Juvenile Court. *Spokane & Eastern Lawyer v. Tompkins*, 136 Wn.App. 616, 150 P.3d 158 (2007), *review denied* 162 Wn.2d 1004, 175 P.3d 1092 (2007); *City of Federal Way v. Koenig*, 167 Wn.2d 341, 343, 217 P.3d 1172 (2009), citing *Nast v. Michels*, 107 Wn.2d 300, 730 P.2d 54 (1986); *Beuhler v. Small*, 115 Wn.App. 914, 64 P.3d 78 (2003). However, because requests for court administrative records are permissible under Washington State General Rule 31.1, we are construing your request under that provision."

Regarding your question regarding: "If either the subject of the record or the record requester objects to informal review, then this process is unavailable as a remedy." Under GR 31.1(f)(3), a party's objection can only make the external review process described in GR 31.1(d)(4)(ii) unavailable, not the internal review process described in GR 31.1(d)(3).

I believe I have addressed all your questions however if you do have further questions, please do not hesitate to contact me.

Sincerely,



Michael Merringer
Director of Juvenile Services
Kitsap County Juvenile and Family Court Services